

AMENDED IN SENATE JUNE 26, 2006

AMENDED IN SENATE JULY 6, 2005

AMENDED IN ASSEMBLY MAY 23, 2005

AMENDED IN ASSEMBLY MAY 10, 2005

AMENDED IN ASSEMBLY APRIL 18, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

## ASSEMBLY BILL

**No. 1664**

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**Introduced by Assembly Member De La Torre  
(Principal coauthor: Assembly Member Torrico)**

February 22, 2005

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~~An act to add Section 12089 to the Government Code, relating to citizenship assistance. An act to amend Sections 12700 and 12702 of the Health and Safety Code relating to fireworks.~~

### LEGISLATIVE COUNSEL'S DIGEST

AB 1664, as amended, De La Torre. ~~Naturalization Services Program~~ **Fireworks.**

*Existing law, the State Fireworks Law, provides a framework for the regulation by the State Fire Marshal and by local agencies of fireworks, as specified. A person who violates any provision or regulation thereof is guilty of a misdemeanor and may be fined at least \$500, but not more than \$1,000.*

*This bill would increase the fine to at least \$2,000 and not more than \$5,000.*

*Existing law prohibits selling, giving, or delivering dangerous fireworks to a person under 18 years of age. It imposes fines of at*

least \$500 but not more than \$1,000 for a 2nd and subsequent conviction therefor.

This bill would increase that fine to not less than \$2,000 and not more than \$4,000.

Existing law makes it unlawful to sell or transfer any class of fireworks without a valid license or permit. This bill would make a motor vehicle used to transport dangerous fireworks without a valid license or permit subject to impoundment and storage at the owner's expense for a period of one to 30 days. It would require the State Fire Marshal, by regulation, to establish procedures for an expedited post impoundment hearing.

~~Existing law sets forth the duties of the Department of Community Services and Development respecting certain community programs in the state.~~

~~This bill would establish within the department the New Californians Act to develop a program to assist eligible immigrants through the naturalization process. The bill would require the department to contract with, and allocate funds to, organizations to provide free naturalization services, as specified. The bill would prohibit contractors of citizenship assistance services from specified activities that may be a conflict of interest.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 12700 of the Health and Safety Code is  
2     amended to read:

3     12700. Except as provided in Section 12702, any person who  
4     violates any provision of this part, or any regulations issued  
5     pursuant to this part, is guilty of a misdemeanor, and upon  
6     conviction shall be punished by a fine of not less than ~~five~~  
7     ~~hundred dollars (\$500)~~ two thousand dollars (\$2,000) nor more  
8     than ~~one thousand dollars (\$1,000)~~ five thousand dollars  
9     (\$5,000), or by imprisonment in the county jail for not exceeding  
10    one year, or by both ~~such~~ that fine and imprisonment.

11    SEC. 2. Section 12702 of the Health and Safety Code is  
12    amended to read:

13    12702. Notwithstanding the provisions of Section 12700:

1 (a) Any person who violates this part by selling, giving, or  
2 delivering any dangerous fireworks to any person under 18 years  
3 of age is guilty of a misdemeanor and upon a first conviction  
4 shall be punished as prescribed in Section 12700.

5 (b) Upon any second or subsequent conviction of the offense,  
6 the person shall be punished by the penalties of a fine of not less  
7 ~~than five hundred dollars (\$500)~~ *two thousand dollars (\$2,000)*  
8 ~~nor more than one thousand dollars (\$1,000)~~ *four thousand*  
9 *dollars (\$4,000)* and by imprisonment in the county jail for one  
10 year. The person shall not be granted probation and the execution  
11 of the sentence imposed upon the person shall not be suspended  
12 by the court.

13 (c) Any person who violates this part involving any dangerous  
14 fireworks item, as defined in Section 12505, or any combination  
15 of any dangerous fireworks items, having the total net weight of  
16 explosive material of 7,500 grains or more, is guilty of a public  
17 offense, and upon conviction thereof shall be punished by  
18 imprisonment in the state prison, or in the county jail for not  
19 more than one year, or by a fine of not more than five thousand  
20 dollars (\$5,000), or by both the fine and imprisonment.

21 (d) *A motor vehicle used in the transportation of dangerous*  
22 *fireworks without a valid permit or licence therefor, as*  
23 *applicable, is subject to impoundment and storage at the*  
24 *registered owner's expense for not less than one day nor more*  
25 *than 30 days. The State Fire Marshal shall, by regulation,*  
26 *establish procedures for the release of impounded vehicles, and*  
27 *the imposition of charges for the removal, impound, storage, and*  
28 *release of the vehicles. The procedures shall permit a registered*  
29 *owner of an impounded vehicle to receive notice of, and request,*  
30 *an expedited post impoundment hearing before a neutral arbiter*  
31 *at which probable cause for the vehicle seizure shall be*  
32 *established by clear and convincing evidence.*

33 ~~SECTION 1. The Legislature finds and declares all of the~~  
34 ~~following:~~

35 ~~(a) Citizenship and participation in the civic process plays a~~  
36 ~~critical role in the well-being of our neighborhoods,~~  
37 ~~communities, schools, and state.~~

38 ~~(b) Immigrants who are citizens are able to integrate more~~  
39 ~~fully into the civic life of our communities and state and there are~~

1 currently 2.7 million immigrants in California who are eligible  
2 for naturalization.

3 (e) California has one of the lowest naturalization rates in the  
4 country.

5 (d) A comprehensive and well-coordinated naturalization  
6 services and civic education system will assist more legal  
7 permanent residents to become citizens.

8 (e) The state established the Naturalization Services Program  
9 (NSP) in 1996 to assist legal permanent residents in the process  
10 of obtaining citizenship. In alliance with nonprofit and  
11 community organizations, NSP has assisted approximately  
12 90,000 individuals as of December 2003. NSP has been funded  
13 annually through budget appropriations and is a critical resource  
14 for California's legal permanent residents seeking citizenship.  
15 The NSP has laid the foundation for a more comprehensive  
16 citizenship program that will better organize resources, engage  
17 community members in civic activities, and coordinate existing  
18 resources.

19 SEC. 2. It is the intent of the Legislature to create a program  
20 in the Department of Community Services and Development,  
21 called the New Californians Act that accomplishes all of the  
22 following:

23 (a) Develops a comprehensive, coordinated, accessible, and  
24 accountable naturalization and civic participation program to  
25 assist eligible immigrants through the naturalization process and  
26 to help them integrate more fully into the economic and civic  
27 fabric of our state.

28 (b) Creates a method for allocating funds that is equitable,  
29 effective, and linked with the need for services.

30 (c) Create an advisory committee of experts on citizenship  
31 issues to monitor the effectiveness of the New Californians Act  
32 and provide feedback and recommendations to the department.

33 SEC. 3. Section 12089 is added to the Government Code, to  
34 read:

35 12089. (a) There is hereby established within the Department  
36 of Community Services and Development, the New Californians  
37 Act to accomplish all of the following:

38 (1) Develop a comprehensive, coordinated, accessible, and  
39 accountable naturalization and civic participation program to  
40 assist eligible immigrants through the naturalization process and

1 to help them integrate more fully into the economic and civic  
2 fabric of our state.

3 (2) Create a method for allocating funds that is equitable,  
4 effective, and linked with need for services.

5 (3) Create an advisory committee of experts on citizenship  
6 issues to develop guidelines for funding allocation, grantee  
7 selection, data collection, and evaluation mechanisms.

8 (b) The New Californians Act shall fund programs and  
9 activities that move legal permanent residents toward citizenship  
10 and increase their participation in local civic activities.

11 (c) The department shall contract with, and allocate funds to,  
12 organizations to provide free naturalization services, that shall  
13 include, to the extent consistent with applicable federal law, all  
14 of the following:

15 (1) Outreach services and public education efforts.

16 (2) Citizenship application assistance and services.

17 (3) Followup and advocacy assistance with the United States  
18 Bureau of Citizenship and Immigration Services within the  
19 federal Department of Homeland Security.

20 (4) Civic education and leadership development activities.

21 (d) Community-based organizations, faith-based  
22 organizations, and nonprofit and governmental entities shall be  
23 eligible to receive funding under the act.

24 (e) The department, upon its determination, shall award  
25 contracts to organizations and citizenship assistance providers  
26 that have demonstrated the following:

27 (1) Success based on past performance.

28 (2) A demand for their citizenship services.

29 (3) Expertise in citizenship issues.

30 (4) A commitment or ability to work in collaboration with  
31 other naturalization services, when applicable.

32 (f) The department shall form an advisory committee to assist  
33 in implementation of the New Californians Act. The advisory  
34 committee, along with the department, shall (1) delineate service  
35 areas according to the number of immigrants eligible for  
36 naturalization in a region, the geographic contiguity of areas, and  
37 other relevant factors such as need, resources, and demographics;  
38 (2) establish specific guidelines for grantee eligibility and  
39 dissemination of funds; and (3) specify variables for monitoring  
40 and data collection, including, but not limited to, number of

1 clients served, number of clients who are naturalized, and other  
2 relevant outcomes and measures. The advisory committee shall  
3 review collected information and offer feedback and  
4 recommendations to the department.

5 (g) For purposes of this section, “citizenship assistance  
6 provider” or “provider” means any not-for-profit or faith-based  
7 entity, including a community-based organization or local  
8 government, that has cultural and linguistic capabilities, and that  
9 has been approved to provide services under this section by the  
10 department.

11 (h) For purposes of this section, “department” means the state  
12 agency administering the New Californians Act.

13 (i) The department shall award contracts and allocate funds  
14 pursuant to a competitive bid process open to existing and new  
15 providers.

16 (j) The department shall also be responsible, either directly or  
17 through subcontracting, for providing technical assistance to  
18 grantees on the development and use of meaningful civic  
19 education and leadership development materials and for  
20 evaluating grantee activities. The department may also collect,  
21 distribute, and serve as a central clearinghouse for translated  
22 materials, public service announcements and advertisements in  
23 different languages, and other information to be made available  
24 to immigrant clients.

25 (k) The department shall have the flexibility if required to  
26 raise and spend money for the purposes of enhancing civic  
27 education and leadership development components of the  
28 program, identifying barriers to naturalization, monitoring best  
29 practices, and other related activities.

30 (l) The New Californians Act shall emphasize the following  
31 areas to ensure accountability, effectiveness, and accessibility:

32 (1) Collaboration among grantees and other providers in their  
33 region, including the State Department of Education English as a  
34 Second Language and civics grantees, and development of a  
35 referral system in each service area to ensure immigrants are  
36 informed about adult education, English literacy, and citizenship  
37 services in their region.

38 (2) Consultation with the advisory committee to collect and  
39 monitor relevant data.

1     ~~(3) Documenting of best practices related to civic participation~~  
2     ~~and immigrant leadership development, as well as, dissemination~~  
3     ~~of civic education materials to grantees.~~

4     ~~(4) Documenting barriers to naturalization related to federal~~  
5     ~~policies and practices such as backlogs and long wait times.~~

6     ~~(5) Serving immigrants with the most need, including~~  
7     ~~immigrants who are limited English proficient, seniors, and low~~  
8     ~~income.~~

9     ~~(m) The following restrictions apply to contractors of~~  
10    ~~citizenship assistance services:~~

11    ~~(1) The contractor shall be prohibited from all political~~  
12    ~~activities if they involve the use of any funds that are the subject~~  
13    ~~of this program or any other funds, programs, projects, or~~  
14    ~~activities that originate from this program.~~

15    ~~(2) The contractor shall be prohibited from any activity that is~~  
16    ~~designed to provide voters and prospective voters with~~  
17    ~~transportation to the polls or to provide similar assistance in~~  
18    ~~connection with an election or any voter registration activity if~~  
19    ~~such activities involve the use of any funds that are the subject of~~  
20    ~~this program.~~

21    ~~(3) The contractor shall refrain from all lobbying activities if~~  
22    ~~they involve the use of any funds that are the subject of this~~  
23    ~~program or any other funds, programs, projects, or activities that~~  
24    ~~originate from this program.~~

25    ~~(4) The provider shall be ineligible to receive funding under~~  
26    ~~this article if any officer or employee of the provider who would~~  
27    ~~be involved in the administration of grant funds has been~~  
28    ~~convicted of a criminal offense related to the administration of~~  
29    ~~grant funds.~~